HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

Writ Petition No. 32585 of 1998

Dated: 30.03.2007

Between:

M/s Kalayanee Marine, No. 24, Fishing Harbour, Visakhapatnam one another

....
PETITIONERS

AND

Agricultural Market Committee, Kakinada

.....RESPONDENT

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

Writ Petition No.32585 of 1998

Order:

When the matter is taken up for hearing, the learned counsel for the petitioner has drawn my attention to a Division Bench judgment of this court in Writ Petition No. 26252 of 1998 dated 24.3.2004 and submitted that the matter is squarely covered by the said judgment.

The Standing Counsel for Agricultural Marketing Committee also agreed with the same.

Having regard to the same, this court is of the view that this Writ Petition is to be dismissed. However, dismissal of this Writ Petition in no manner would adversely affect the defence that may be taken by the petitioners in the criminal case launched against them by the respondents. The petitioners are entitled for all their defence and the criminal case, if any still pending, may have to be disposed of on its own merits uninfluenced by any of the observations made in this order. It is however, open to the respondents to consider as to whether the prosecution launched against the petitioners is still required to be pursued in view of the developments that have taken place after filing of the Writ Petition. No order as to costs.

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GOPALA KRISHNA TAMADA, J.

Date: 30.03.2007
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